

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ROGER BLACKSTOCK,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:09CV828
	)	
JUDY BRANDON,	)	
	)	
Respondent.	)	

**ORDER**

On October 5, 2010, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docket Entries 18 and 19.) Petitioner filed objections to the Recommendation within the time limit prescribed by Section 636. (Docket Entry 20.)

The Court has reviewed Petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's Recommendation which is affirmed and adopted.

**IT IS THEREFORE ORDERED** that Respondent's Motion to Dismiss (Docket Entry 5) is **granted**, that the Habeas Petition (Docket Entry 1) is **denied**, that this action is **dismissed**, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is **denied**.

This the 29<sup>th</sup> day of March, 2011.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge